

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

Before the Honorable CARMEN E. GARZA

CRIMINAL CLERK'S MINUTES at Las Cruces  
(By Zoom Video Conference)

Case Number:	<b>21-MJ-713</b>	Date:	<b>6/3/2021</b>	Recording Information:	<b>LCR ORGAN</b>
Clerk:	<b>B. WILSON</b>	Type of Hearing:	<b>DETENTION</b>		

Defendant(s):		Attorney(s):		Appt'd.	Ret'd.
JOHN BENJAMIN THORNTON (TELEPHONIC)		BERNADETTE SEDILLO		<input type="checkbox"/>	<input type="checkbox"/>
Assistant U.S. Attorney:	MARISA ONG	Interpreter:	N/A		
Probation Officer:	VIRGINIA SILVA	Court in Session:	9:42-9:55 A.M. 13 MIN		

<input checked="" type="checkbox"/>	Defendant detained as a flight risk and danger to the community
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<input checked="" type="checkbox"/>	<p>Other: DEFENSE DISAGREES WITH PRETRIAL'S REPORT AND BELIEVES THERE ARE CONDITIONS THAT CAN BE FASHIONED FOR DEFENDANT'S RELEASE, NO CRIMINAL CONVICTIONS ON HIS REPORT, ALL CASES WERE EITHER NOT PROSECUTED OR DISMISSED; HIS ONLY PENDING CHARGE IS A MISDEMEANOR CHARGE OUT OF TEXAS; NO INDICATION THAT DEFENDANT EVER FAILED TO APPEAR FOR COURT OR COMPLY WITH CONDITIONS IN ANY OF HIS PREVIOUS CASES; DEFENDANT REQUESTED A RESET OF CASE IN TEXAS DUE TO NO TRANSPORTATION; DEFENSE CHECKED AND THERE IS NO WARRANT OUTSTANDING; DEFENDANT HAS A STELLAR PAST IN THE MILITARY, HAS LIVED IN THE SAME APARTMENT FOR OVER A YEAR; COURT CAN PLACE DEFENDANT ON GPS MONITORING IF NEEDED; DEFENSE STATES THAT DURING PRELIMINARY HEARING, GOVERNMENT CLARIFIED THEY ARE ONLY PURSUING CHARGES FOR VICTIM 2 AND VICTIM 3 IN THE CASE, AND THEY ARE NOT CHARGING HIM FOR THREATENING THE PRESIDENT, THESE WERE ONLY THREATS BY TEXT AND DEFENDANT HAD NO PLAN TO TRAVEL TO THE VICTIM'S STATES; DEFENSE REQUESTS HE BE ABLE TO RESIDE AT HIS RESIDENCE WITH E/M OR HALFWAY HOUSE. COURT ASKS DEFENSE ABOUT INFORMATION NOT BEING VERIFIED. DEFENSE IS NOT CLEAR WHY THE REPORT STATED THAT. AUSA IS MOVING FOR DETENTION, CONCURS WITH PRETRIAL'S RECOMMENDATION, EVIDENCE IS EXTREMELY STRONG WITH REGARD TO VICTIM 2 (EX WIFE), SAID HE WAS GOING TO EXECUTE HER, 7 HOURS BEFORE HE WAS ARRESTED ON THE 24TH, HE POSTED MORE THREATS, VICTIM 2 IS TAKING THE THREATS SERIOUSLY AND IS AFRAID FOR HER LIFE, DEFENDANT WAS INTERVIEWED AND ADMITTED TO MAKING THESE THREATS; HE THREATENED THE OFFICERS QUESTIONING HIM, HE IS STILL POSTING INFORMATION ABOUT EXECUTING THE PRESIDENT; SECRET SERVICE AND LAW ENFORCEMENT ARE INVOLVED TO MAKE SURE THESE THREATS ARE NOT CARRIED OUT; IF HE IS RELEASED, HE WILL NOT BE ABLE TO HELP HIMSELF BY NOT POSTING THREATS. BASED ON REPRESENTATIONS IN THE PRETRIAL REPORT, THE COURT FINDS DEFENDANT IS A DANGER AND HE WILL BE DETAINED. DEFENSE OBJECTS TO FINDING HE IS A DANGER TO COMMUNITY, PURSUANT TO 18:3142F, HE IS NOT CHARGED WITH ANY OF THESE CRIMES. COURT WILL DETAIN AS BOTH DANGER AND FLIGHT RISK.</p>
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